IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3310 OF 2006

Mrs.Bharti Haribhau Pisal

and Ors. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.S.P.Kadam for applicants.

Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12th September 2006.

P.C.

. Heard Mr.Kadam for applicant and Ms.Deshmukh, A.P.P. for State.

2. This matter was placed today after protecting the applicant by an ad-interim order on 7th September 2006.

3. I had sought details with regard to the F.I.R. filed against the applicant by one Kamal Bhise alleging offences punishable under the Atrocities Act so also I.P.C.

4. A copy of F.I.R. in C.R.No.51 of 2006 and the statement of the applicant and others are produced before me.

5. From a perusal of the present application as also the application preferred before the learned Sessions Judge and the order passed thereon, it appears that one of the applicants Mr.Amol Sukhdev Pisal has approached this Court directly. Further, learned Judge has not adverted to the materials which have been placed in support of the plea that no offence is made

out under the Atrocities Act because, prima facie, the prohibition contained therein with regard to grant of anticipatory bail would apply provided the ingredients which are mandatory are satisfied. The learned Second Ad-hoc Sessions Judge has by a cryptic order rejected plea of applicants for being enlarged on pre-arrest bail.

6. In my view, interest of justice would be sub served if the applicants are granted liberty to apply for anticipatory bail before the trial court afresh and place before the trial court all pleas and materials in support thereof. The trial court shall advert to the same so also the reply of prosecution thereto and pass appropriate reasoned order.

7. With a view to enable the applicants to do so, ad-interim protection granted by this Court to continue for a period of two weeks. Needless to state that if no application is

filed, then, protection would automatically come to an end without further reference to this Court. The trial court to decide the application, if preferred by the applicants, without being influenced by the earlier order so also disposal of the instant application. All contentions of both sides are expressly kept open.

(S.C.Dharmadhikari, J)